

I hereby certify that this instrument is a true and correct copy of the original on file in my office.

Attest: Geri M. Smith, Clerk

**UNITED STATES JUDICIAL PANEL**

U.S. District Court

Northern District of Ohio

By: s/Victoria Kirkpatrick

Deputy Clerk

**on**

**MULTIDISTRICT LITIGATION**

**IN RE: DEPUY ORTHOPAEDICS, INC., ASR HIP**

**IMPLANT PRODUCTS LIABILITY LITIGATION**

Dane K. Lowder, et al. v. DePuy Orthopaedics, Inc., et al., )

N.D. California, C.A. No. 3:11-01822 )

MDL No. 2197

**CONDITIONAL TRANSFER ORDER (CTO-38)  
AND SIMULTANEOUS SEPARATION AND REMAND OF CERTAIN CLAIMS**

On December 3, 2010, the Panel transferred 7 civil action(s) to the United States District Court for the Northern District of Ohio for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. *See F.Supp.2d* (J.P.M.L. 2010). Since that time, 381 additional action(s) have been transferred to the Northern District of Ohio. With the consent of that court, all such actions have been assigned to the Honorable David A Katz.

It appears that the action(s) on this conditional transfer order encompasses claims relating to: (1) the DePuy ASR Hip Implant, which involve questions of fact that are common to the previously transferred MDL No. 2197 actions; and (2) the DePuy Pinnacle Hip Implant, which do not involve such common questions of fact.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on this conditional transfer order is transferred under 28 U.S.C. §1407 to the Northern District of Ohio for the reasons stated in the order of December 3, 2010, and, with the consent of that court, assigned to the Honorable David A Katz.

All claims in this action(s) other than those regarding DePuy ASR Hip Implants are separated and remanded to the Northern District of California.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Northern District of Ohio. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.

Apr 29, 2011

CLERK'S OFFICE  
UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Jeffery N. Lüthi  
Clerk of the Panel